GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Revenue (Excise) Department – Incident occurred leading to death of (19) persons due to consumption of adulterated ID Liquor at Poratanagar, Kanimerla Thanda, Naguluru Thanda Villages of Mylavaram, Krishna District – Enquiry conducted – Charges proved – Punishment imposed – Appeal filed by Sri K.Ramakrishna, P&E SI(Retired) – Considered – Orders – Issued.

REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.RT.No. 592 **Dated: 20-07-2020.**
Read the following:

1) Enquiry report of the P&E Supdt., Vijayawada, in Rc.No.3/2012/A1, dt:25.03.2013.
2) Govt.Memo.No.653/Vig.III(1)/2012,Revenue (Vig-III) Department, dt.27.03.2015.
3) Explanation dt. Nil. Of Sri K.Ramakrishna, P&E SI(Retd)
4) Govt.Memo.No.653/Vig.III(1)/2012,Revenue (Vig-III) Department, dt.22-5-2015.
5) Explanation dt. 2-7-2015 of Sri K.Ramakrishna, P&E SI(Retd).
6) Govt. Lr. No.653/Vig.IV(2)/2013, Revenue (Vig-III) Department, dt.19-10-2015.
7) From the Prl.Secretary, APPSC Letter No.911/DC&C/2/2015, dt.23-11-2015.
8) Govt. Lr No. 653/Vig.IV(2)/2013, Revenue (Vig-III) Department, dt.18-12-2015.
9) From the Prl.Secretary, APPSC Letter No.911/DC&C/2/2015, dt.19-1-2016.
10) G.O.Ms.No.61, Revenue (Vig.IV) Department, dated 04.02.2016.
11) From Sri K.Ramakrishna, Proh. & Excise S.I., (Retired), Rajahmundry appeal petition dated 29.12.2018.
12) Govt. Lr.No.653/Vig.IV(2)/2012, dt.13.04.2020.
13) From the Secretary, APPSC Letter No.168/DC&C/2020, dt. 23.06.2020.

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Whereas, it was brought to the notice of the Government that a major tragedy reported leading to the death of (19) persons due to consumption of adulterated I.D. liquor at Poratanagar, Kanimerla Thanda, Naguluru Thanda Villages of Mylavaram, Krishna District, (5) Prohibition & Excise Officials whose jurisdiction extends to this area reportedly are responsible for the above said incident. After examining the matter, the Deputy Commissioner, Prohibition & Excise Department, Vijayawada has framed article of charges against Sri K. Ramakrishna, Prohibition & Excise Sub-Inspector among others and he has submitted his Written Statement of Defence. As the same was not convincing, the Prohibition & Excise Superintendent, Vijayawada was appointed as Enquiry Officer to conduct the regular inquiry on the charges framed against Sri K.Ramakrishna, Prohibition & Excise Sub- Inspector and others.

2. In the reference 1st read above, the Enquiry Officer has submitted his enquiry report holding that the charges framed against Sri K.Ramakrishna, Prohibition & Excise Sub-Inspector are held proved. Government have examined the matter and communicated the Enquiry Officer's report to the Charged Officer to submit his further representation if any, on the findings of Enquiry Officer vide reference 2nd read above. The Charged Officer has submitted his further representation in the reference 3rd read above.

3. In the reference 4th read above, a show cause notice was issued to Sri K.Ramakrishna, Prohibition & Excise Sub-Inspector (Retired) to explain as to why a 25% cut in pension permanently should not be imposed for the irregularities committed by him under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980, and to submit his defence within 15 days from the date of receipt of the Show Cause Notice. The Charged Officer has submitted his further explanation vide reference 5th read above.

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The Government have examined the same and found that the explanation is not convincing with reference to facts of the case and therefore, decided to impose a penalty of 25% cut in pension permanently against Sri K.Ramakrishna, Prohibition & Excise Sub-Inspector (Retired).

4. In the letter 6th read above, the Government have referred the matter to Andhra Pradesh Public Service Commission for concurrence as required under Rule 9 (2) of Andhra Pradesh Revised Pension Rules, 1980. In the letter 9th read above, the Andhra Pradesh Public Service Commission has given its concurrence to the proposal of the Government to impose punishment of 25% cut in pension permanently against Sri K.Ramakrishna, Prohibition & Excise Sub-Inspector (Retired).

5. Accordingly, Government have imposed a punishment of 25% cut in pension permanently against Sri K.Ramakrishna, Prohibition & Excise Sub-Inspector (Retired) vide reference 10th read above.

6. Sri K.Ramakrishna, Prohibition & Excise Sub-Inspector (Retired) has filed appeal petition before the Government to reduce the punishment to minimum percentage. In his appeal petition, among other things he has mainly stated that as per U.O.Note No.732/Ser.C/90-2, GAD, Dt.18.12.1990 and according to clause (a) of sub rule 19 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1963, where two are more members of the same services (or) different services are concerned in any case, it is for the highest authority that orders joint enquiry to see that the penalty imposed is proportionate to the seriousness of the lapses held proved while imposing penalty in such cases. But in this instant case the enquiry officer in her findings opined that both the charges framed against the following charged officers have been proved.

1. Sri D.Raghuma Reddy, P&E I I/c.SHO, Mylavaram.
2. Sri S.Manikantha Reddy, P&E SI, Mylavaram.
3. Sri K.Rama Krishna, P&E SI, Mylavaram.

7. He has further informed that the disciplinary authority i.e., the Deputy Commissioner, Kakinada vide proceedings Rc.A/764/2013 dt.21.02.2014 has awarded the punishment of stoppage of one increment without cumulative effect under Rule 22 of Andhra Pradesh Civil Services & (Classification, Control & Appeal) Rules, 1991 to Sri D.Raghuma Reddy, Prohibition & Excise Inspector, the then SHO, Mylavaram and Sri S.Manikantha Reddy, Prohibition & Excise Sub-Inspector, Mylavaram. Finally, he has requested to review his case on humanitarian grounds and pass revised orders reducing the punishment to minimum percentage.

8. Government, after re-examined the entire case in detail, have observed that among the (5) officers in the common disciplinary proceedings issued in the same case, two persons Sri Y.Adinarayana Murthy, Assistant Excise Superintendent and Sri S.Manikanta Reddy, Prohibition & Excise Inspector have obtained suspension of charge memos from the Andhra Pradesh Administrative Tribunal. One Prohibition & Excise Inspector Sri D.Reghuma Reddy was awarded punishment of one increment without cumulative effect. Further action dropped against one Prohibition & Excise Inspector Sri T.Rama Krishna Rao. Whereas, major punishment of 25% pension cut permanently imposed against Sri K.Ramakrishna, Prohibition & Excise Sub-Inspector in the same case. Therefore, Government have decided to reduce the punishment of 25% cut in pension permanently imposed earlier to that of 10% cut in pension for a period of three years against Sri K.Ramakrishna, Prohibition & Excise Sub-Inspector (Retired).

9. Accordingly, Government have referred the matter to Andhra Pradesh Public Service Commission for its concurrence vide Government, letter 12th read above. In the reference 13th read above, the Andhra Pradesh Public Service Commission has given its concurrence to the proposal of the Government to reduce the punishment of 25% cut in pension permanently imposed earlier to that of 10% cut in pension for a period of three years against Sri K.Ramakrishna, Prohibition & Excise Sub-Inspector (Retired).

Contd.,3

10. After careful examination of the matter, Government hereby order to reduce the punishment of 25% cut in pension permanently imposed earlier to that of ten per cent (10%) pension cut for a period of three years against Sri K.Ramakrishna, Prohibition & Excise Sub-Inspector (Retired).

11. The Commissioner of Prohibition & Excise, Andhra Pradesh, Vijayawada shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To
Sri K.Ramakrishna, Prohibition & Excise, Sub-Inspector (Retired) through the Commissioner, Prohibition & Excise Department, (w.e.)
The Commissioner, Prohibition & Excise Department, Andhra Pradesh, Vijayawada
Copy to:
The Prl Accountant General(A&E), Andhra Pradesh, Hyderabad
The Directorate of Treasury and Accounts, Andhra Pradesh, Vijayawada.
The District Treasury Officer, Machilipatnam/Vijayawada Krishna District.
The Secretary, Andhra Pradesh Public Service Commission, Andhra Pradesh, Vijayawada.
The OSD to the Hon'ble DY CM(CT&Excise)
PS to Prl Secy to CM
Sc/Sf

//FORWARDED :: BY ORDER//

SECTION OFFICER